

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS
CIVIL DIVISION

**KRISTEN H. SINCLAIR,
AUTUMN SINCLAIR, ELIJA SINCLAIR,
DAWNNICA SINCLAIR, FAITH SINCLAIR, and
KRISTOPHER SINCLAIR, heirs of
RICKY LYNN SINCLAIR**

PLAINTIFFS

VS.

CASE NO. 04CV-23-2303

**JENNIFER ANN POOLE and
MARY COCKRELL**

DEFENDANTS

RESPONSE TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

COMES NOW the Plaintiffs' Kristen Sinclair, Autumn Sinclair, Elija Sinclair, Dawnica Sinclair, Faith Sinclair, and Kristopher Sinclair, by and through their attorneys, Dustin A. Duke and Katie L. Freeman, AR Law Partners, PLLC, and for their Response to Defendants' Motion for Summary Judgment state:

1. Plaintiffs admit the allegations contained in Paragraph One of Defendants' Motion.
2. Plaintiffs admit the allegations contained in Paragraph Two of Defendants' Motion.
3. Plaintiffs admit the allegations contained in Paragraph Three of Defendants' Motion.
4. The allegations set out in Plaintiffs complaint speak for themselves.
5. The allegations set out in Plaintiffs complaint speak for themselves.
6. The Court's ruling in Benton County Circuit Case No. 04PR-23-765 is limited to

whether the Decedent Ricky Lynn Sinclair held the requisite testamentary capacity on December 15, 2022, the specific date that he signed his Will. Further, the Court found in part that there was no proof of undue influence, even though the Decedent Mr. Sinclair was in a confidential relationship with Defendants because the bequests in

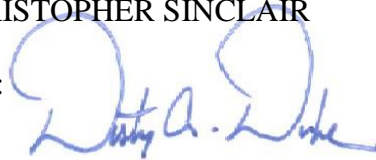
Decedent's Will were not overly substantial, considering the size of the Decedent's estate and that the bequest to Defendant Jennifer Poole was greatly reduced from the bequest initially made for Ms. Poole in a prior version of the Will.

7. Plaintiffs deny the allegations contained in Paragraph Seven of Defendants' Motion.
8. Plaintiffs deny the allegations contained in Paragraph Eight of Defendants' Motion.
Plaintiffs deny the allegations contained in Paragraph Eight of Defendants' Motion.
Pleading affirmatively, Defendant Mary Cockrell had an obligation to file an inventory and an accounting in Ricky Sinclair's guardianship matter, Benton County Circuit Case No. 04PR-22-938, she failed to file either.
9. Plaintiffs deny the allegations contained in Paragraph Nine of Defendants' Motion.
10. Plaintiffs deny each and every material allegation contained in Defendants' Motion not specifically admitted to herein.
11. Plaintiffs' Response is supported by the accompanying brief and exhibits.

Respectfully submitted,

KRISTEN H. SINCLAIR,
AUTUMN SINCLAIR, ELIJA SINCLAIR,
DAWNNICA SINCLAIR, FAITH SINCLAIR, and
KRISTOPHER SINCLAIR

By:



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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing pleading was served upon the following via the court's electronic filing system on the below date:

Blake Brizzolara
Caroline Kelley
Attorneys for Jennifer Poole, and
Mary Cockrell

/s/ Dustin A. Duke
Dustin A. Duke
Attorney for Kristen Sinclair

Date: November 8, 2024